

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

JON HANSON, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

BERTHEL FISHER & COMPANY FINACIAL
SERVICES, INC. and THOMAS JOSEPH
BERTHEL

Defendant.

No. 1:13-CV-67

LRR

JSS

**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND TO STAY
RESOLUTION PENDING CLASS DISCOVERY**

Consistent with F.R.C.P. 23(a) and 23(b)(3), Plaintiff moves to certify the following class pending class discovery:

Primary Rule 23(b)(3) Class:

All persons and entities that purchased, subscribed and paid for, or otherwise acquired securities in the TNP 2008 Scheme pursuant to the TNP 2008 Scheme offering between December 2008 and March 2010.

Excluded from the class are: (1) any individuals who signed an agreement with Berthel Fisher pursuant to which they must arbitrate claims against Berthel Fisher, arising out of the sales of TNP 2008 Scheme notes, in FINRA arbitration; (2) Defendants; any judge or judicial officer who may hear any aspect of this case and his or her law clerks; and (3) any person, firm, trust, corporation, or other entity related to or affiliated with Defendants.

For the reasons more fully described in Plaintiff's accompanying Memorandum in Support of its Motion for Class Certification and to Stay Resolution Pending Class Discovery,

Plaintiff is filing its Motion for Class Certification to protect its rights and the rights of putative class members in light of the Seventh Circuit's ruling in *Damasco v. Clearwire Corp.*¹

Plaintiff respectfully requests that this Honorable Court enter an order certifying the class described, appointing Plaintiff as class representative and its counsel as class counsel, and ordering all further relief as the Court deems appropriate but only *after* Plaintiff has completed the discovery necessary for drafting a more expressive class-certification motion and supporting memorandum for the Court's consideration.

Dated: May 30, 2014

Respectfully submitted,

/s/ J. Barton Goplerud

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¹ 662 F.3d 891 (7th Cir. 2011).

*Attorneys for Plaintiff and the Proposed
Class*